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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,453	02/10/2004	Douglas Melton Carper	13DV-13640 (07783-0151)	9413
31450	7590	10/07/2005	EXAMINER	
MCNEES WALLACE & NURICK LLC 100 PINE STREET P.O. BOX 1166 HARRISBURG, PA 17108-1166			LAVILLA, MICHAEL E	
			ART UNIT	PAPER NUMBER
			1775	

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,453

Applicant(s)

CARPER ET AL.

Examiner

Michael La Villa

Art Unit

1775

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040210.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: At line 2 of Claim 2, "comprise" should read --comprises--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
3. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - I. Regarding Claim 1, it is unclear whether "sufficient solvent" may be zero solvent. It is unclear whether the claimed composition is a "bond coat" or a composition for forming a "bond coat."
 - II. Regarding Claim 2, it is unclear how the silica yielding liquid can comprise the remainder of the composition where the composition is also described as comprising a solvent.
 - III. Regarding Claims 2-13, it is unclear whether the claimed article is a "bond coat" or a "bond coat composition" and whether the preamble accurately reflects the nature of the claimed invention.
 - IV. Regarding Claim 7, it is unclear whether the "predetermined melting point of the mixture" refers to the glass frits mixture or to the bond coat composition mixture.

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- V. Regarding Claim 12, it is unclear what is meant by the melting point of the bond coat as the bond coat is described as a liquid composition.
- VI. Regarding Claim 13, it is unclear what is meant by claiming a liquid that is comprised of a solid dissolved in a solvent. Is this a requirement that the pure silicone material be solid material at room temperature?
- VII. Regarding Claim 14, it is unclear whether the semicolon in line 5 is correct. If it is correct, it is unclear what is the relationship between the "applying a bond coat" step and the "mixing" step.
- VIII. Regarding Claim 16, it is unclear what is the antecedent basis of the phrase "the ceramic barrier coating mixture." Is this the bond coat or the ceramic coat?
- IX. Regarding Claims 15-18, it is unclear what is meant by reference to "method of Claim 13" as Claim 13 is not a method.

Claim Rejections - 35 USC § 102

- 5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:
 - 6. A person shall be entitled to a patent unless –
 - 7. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 8. Claims 1, 3, 4, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Skoog et al. USP 6,210,791. Skoog teaches a bond coat formed from alumina, silica yielding liquid, solvent, and another form of alumina, which

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can be identified with glass frits. See Skoog (col. 10, line 55 through col. 11, line 15).

9. Claims 1, 3-5, 8, 10, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Elarde et al. USP 3,361,583. Elarde teaches alumina, silicone, glass frits, and solvent composition. See Elarde (col. 2, lines 60-65; col. 3, lines 42-59).
10. Claims 1, 3-5, 8-11, 13, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Stowell et al. USP 6,413,578. Stowell teaches tape composition comprised of alumina, YSZ, which can be identified with glass frits, silicone, and solvent, and dispersant for the inner zone and another similar composition for the outer zone. See Stowell (col. 6, line 19 through col. 7, line 22; and col. 8, lines 10-55).

Allowable Subject Matter

11. Claims 2, 6, 7, 12, 15, 16, and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
12. Claims 2, 6, 7, 12, 15, 16, and 18 are not rejected over the prior art of record.

None of the reviewed prior art teaches or suggests the subject matter of these claims. Particularly, with respect to Claim 2, there is no teaching or suggesting of the claimed relative amounts. With respect to Claims 6 and 7, there is no teaching or suggestion of glass frits of the claimed materials. With respect to Claim 12, there is no teaching or suggestion of material of the claimed melting

temperature. With respect to Claims 15 and 16, there is no teaching or suggestion of the claimed sequence of steps, including application of both bond coat as claimed and a ceramic coat.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael La Villa whose telephone number is (571) 272-1539. The examiner can normally be reached on Monday through Friday.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones can be reached on (571) 272-1535. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael La Villa
2 October 2005


MICHAEL E. LAVILLA PH.D.
PRIMARY EXAMINER